

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**DANIEL JOHNSTON,**

**Case No. 3:13-CV-046**

Appellant,

**Judge Timothy S. Black**

**-vs-**

**CITY OF MIDDLETOWN,**

Appellee.

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**JUDGMENT IN A CIVIL CASE**

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☐ **Jury Verdict:** This action came before the Court for a trial by jury. The issues have been tried and the Jury has rendered its verdict.

☒ **Decision by Court:** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered,

**IT IS ORDERED AND ADJUDGED** that an Order of Dismissal (Doc. 4) **DISMISSED** the appeal pursuant to Fed. R. Bank. P. 8001(a) for failure to prosecute and failure to comply with court order; and the case is **CLOSED** from the docket of the Court.

Date: May 9, 2013

**JOHN P. HEHMAN, CLERK**

By: s/ M. Rogers  
Deputy Clerk